

## SEVENTH DAY

(Wednesday, January 22, 1941)

The House met at 2:00 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

|                  |                  |
|------------------|------------------|
| Mr. Speaker      | Gilmer           |
| Allen            | Goodman          |
| Allison          | Halsey           |
| Avant            | Hanna            |
| Bailey           | Hardeman         |
| Baker            | Hargis           |
| Bean             | Harris of Dallas |
| Bell             | Harris of Hill   |
| Benton           | Hartzog          |
| Blankenship      | Heflin           |
| Boone            | Helpinstill      |
| Bray             | Henderson        |
| Bridgers         | Hileman          |
| Brown            | Hobbs            |
| Bruhl            | Howard           |
| Bullock          | Howington        |
| Bundy            | Hoyo             |
| Burkett          | Huddleston       |
| Burnaman         | Huffman          |
| Carlton          | Hughes           |
| Carrington       | Humphrey         |
| Cato             | Hutchinson       |
| Celaya           | Isaacks          |
| Chambers         | Jones            |
| Clark            | Kelly            |
| Cleveland        | Kennedy          |
| Coker            | King             |
| Colson, Mrs.     | Klingeman        |
| Connelly         | Knight           |
| Craig            | Lansberry        |
| Crossley         | Lehman           |
| Crosthwait       | Leyendecker      |
| Daniel           | Little           |
| Davis            | Lock             |
| Deen             | Love             |
| Dickson of Bexar | Lowry            |
| Dickson of Nolan | Lucas            |
| Donald           | Lyle             |
| Duckett          | McAlister        |
| Dwyer            | McCann           |
| Ellis            | McDonald         |
| Eubank           | McGlasson        |
| Evans            | McLellan         |
| Favors           | McNamara         |
| Ferguson         | McMurry          |
| Files            | Manford          |
| Fitzgerald       | Manning          |
| Fuchs            | Markle           |
| Gandy            | Martin           |
| Garland          | Matthews         |

|                |                   |
|----------------|-------------------|
| Mills          | Senterfitt        |
| Montgomery     | Sharpe            |
| Moore          | Shell             |
| Morgan         | Simpson           |
| Morris         | Skiles            |
| Morse          | Smith of Bastrop  |
| Murray         | Smith of Atascosa |
| Nicholson      | Spacek            |
| Pace           | Spangler          |
| Parker         | Stanford          |
| Pevehouse      | Stinson           |
| Phillips       | Stubbs            |
| Price          | Taylor            |
| Rampy          | Thornton          |
| Reed of Bowie  | Voigt             |
| Reed of Dallas | Walters           |
| Ridgeway       | Wattner           |
| Roark          | Weatherford       |
| Roberts        | White             |
| Rhodes         | Whitesides        |
| Sallas         | Winfree           |

## Absent—Excused

|          |        |
|----------|--------|
| Alsup    | Kersey |
| Anderson | Kinard |
| Brawner  | Turner |
| Dove     | Vale   |

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Infinite God, we know that Thou seest us always; but we pray just now that Thou wouldst be with us in a special way as we lay out our work. It is written, 'Except the Lord build the house, they labor in vain that build it.' So lead us that the foundations shall be well laid at our hands. In Jesus' name. Amen."

## LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Vale for today and the remainder of the week on motion of Mr. Celaya.

Mr. Anderson for today on motion of Mr. Winfree.

The following Members were granted leaves of absence on account of illness:

Mr. Turner for today on motion of Mr. Lehman.

Mr. Dove for today on motion of Mr. Garland.

Mr. Kinard for today on motion of Mr. Montgomery.

Mr. Brawner for today on motion of Mr. Mills.

**PROVIDING FOR THE PURCHASE  
OF VERNON'S EDITION OF  
TEXAS STATUTES**

Mr. Lowry offered the following resolution:

H. S. R. No. 64, Providing for the purchase of Vernon's Edition of Texas Statutes.

Be it resolved by the House of Representatives of the State of Texas, The Chairman of the Contingent Expense Committee is authorized and directed to purchase for each member of the House a 1939 cumulative supplement to Vernon's Centennial Edition of the Texas Statutes; and, he is further authorized and directed to purchase for each new Member of the House and for such other members as do not have them, the 1936 Centennial Edition of the Texas Statutes.

The resolution was read second time.

Mr. McAlister moved that the resolution be referred to the Committee on Contingent Expense.

On motion of Mr. Lowry, the motion to refer the resolution to the Committee on Contingent Expense was tabled.

Mr. McMurry offered the following amendment to the resolution:

"Amend H. S. R. No. 64 by adding thereto the following:

"The cost to be assessed against the contingent expense account of each Member who receives a statute."

The amendment was adopted.

Question then recurring on the resolution, as amended, it was adopted.

**CONCERNING RADIO BROADCAST  
IN THE HOUSE**

Mr. Halsey offered the following resolution:

H. S. R. No. 67, Concerning Radio Broadcast in the House.

Whereas, The Texas State Network has made available a fifteen minute program each day, Mondays through Fridays, beginning at 1:45 p. m., which will be devoted to a discussion by Members of the House of Representatives of current problems before the Legislature, and, whereas, this program will be under the direction of Cottonseed Clark Fulks, and, whereas, Mr. Fulks is an experienced radio master of ceremonies and can render the people of Texas a valuable service by bringing to them this program of information;

Now, therefore, be it resolved by the House of Representatives, That the State-wide broadcasting stations, known as the Texas State Network, be permitted to install a portable radio microphone equipment in the reception room of the Texas House of Representatives for the purpose of broadcasting said program; said program to be used by the Members for discussion of their legislative problems with the people.

HALSEY,  
SIMPSON,  
BULLOCK.

The resolution was read second time.

Mr. Bray raised a point of order on further consideration of the resolution at this time, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

Mr. Bullock moved that the rule relative to the consideration of resolutions be suspended until the above resolution is disposed of.

The motion to suspend the rule was lost.

**PROVIDING FOR CERTAIN  
ADJOURNMENT PERIOD**

Mr. Celaya offered the following resolution:

H. C. R. No. 18, Providing for Certain Adjournment Period.

Be it resolved by the House, the Senate concurring, That both Houses be granted permission to adjourn

from Thursday, January 23, to Monday, January 27.

The resolution was read second time and was adopted.

#### MESSAGE FROM THE GOVERNOR

Miss Margaret McDuffie appeared at the bar of the House, and being duly announced presented the following message from the Governor, which was read to the House, as follows:

Austin, Texas, January 21, 1941.

To the Members of the Forty-seventh Legislature:

I hereby submit to you a bill which should be enacted in this Session of the Legislature, in connection with our Texas Defense Guard.

The fact that the regularly constituted National Guard of the State of Texas is now in Federal Service by Presidential Order, and the State is without adequate troops that may be used for the prevention of civil disturbances, riots, sabotage, and other forms of disturbances, and the further fact that without this Act the State of Texas is unable to secure arms and to purchase equipment and other items of Government property, creates an emergency and an imperative public necessity which would seem to demand that the Constitutional rule requiring bills to be read on three several days in each House be suspended.

Respectfully submitted,  
W. LEE O'DANIEL,  
Governor of Texas.

#### TEXT OF BILL SUBMITTED BY GOVERNOR

Following is text of the bill as submitted by the Governor in the above message:

#### A BILL

#### To Be Entitled

An Act to create a Texas Defense Guard in the State of Texas during such time as any part of the National Guard is in active Federal Service, and to provide for the organization, maintenance, training and discipline thereof, and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. Authority and Name. Whenever any part of the National Guard of this State is in active Federal Service, the Governor is hereby authorized to organize and maintain within this State during such period, under such regulations as the Secretary of War of the United States may prescribe for discipline and training, such military forces as the Governor may deem necessary to defend this State. Such forces shall be composed of officers commissioned or assigned, and such able-bodied male citizens of the State as shall volunteer for service therein, supplemented, if necessary, by men of the reserve militia enrolled by draft or otherwise as provided by law. Such forces shall be additional to and distinct from the National Guard and shall be known as the Texas Defense Guard.

Sec. 2. Organization: Rules and Regulations. The Governor is hereby authorized to prescribe rules and regulations not inconsistent with the provisions of this Act governing the enlistment, organization, administration, uniforms, equipment, maintenance, training and discipline of such forces; provided, such rules and regulations, insofar as he deems practicable and desirable, shall conform to existing law governing and pertaining to the National Guard and the rules and regulations promulgated thereunder.

Sec. 3. Pay and Allowances. Service in the Texas Defense Guard shall be without pay except when called to active State service by appropriate authorities; such pay and allowances to be computed as for similar grade and service in the National Guard on such duty except that allowances will not include pay for any length of service known as longevity pay, nor rental and subsistence allowances for officers.

Sec. 4. Requisitions; Armories; Other Buildings. For the use of such forces, the Governor is hereby authorized to requisition from the Secretary of War such arms and equipment as may be in possession of and can be spared by the War Department; and to make available to such forces the facilities of State armories and their equipment and such other State premises and property as may be available. Author-

ization is hereby provided for school authorities to permit the use of school buildings by the Texas Defense Guard; provided further that County Commissioners' Courts, city authorities, communities, civic and patriotic organizations are empowered and authorized by this Act to provide funds, armories, equipment, material, transportation, or other appropriate services or facilities, to the Texas Defense Guard.

Sec. 5. Use Without This State. Such forces shall not be required to serve outside the boundaries of this State except:

(a) Upon the request of the Governor of another State, the Governor of this State may, in his discretion, order any portion or all of such forces to assist the military or police forces of such other State, who are actually engaged in defending such other State. Such forces may be recalled by the Governor at his discretion.

(b) Any organization, unit or detachment of such forces, upon order of the officer in immediate command thereof, may continue in fresh pursuit of insurrectionists, saboteurs, enemies or enemy forces beyond the borders of this State into another State until they are apprehended or captured by such organization, unit or detachment or until the military or police forces of the other State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons; provided, such other State shall have given authority by law for such pursuit by such forces of this State. Any such person who shall be apprehended or captured in any other State by an organization, unit or detachment of the forces of this State shall without unnecessary delay be surrendered to the military or police forces of the State in which he is taken or to the United States, but such surrender shall not constitute a waiver by this State of its right to extradite or prosecute such person for any crime committed in this State.

Sec. 6. Permission to Forces of Other States. Any military forces or organization, unit or detachment thereof, of another State who are in fresh pursuit of insurrectionists,

saboteurs, enemies or enemy forces may continue such pursuit into this State until the military or police forces of this State or the forces of the United States have had a reasonable opportunity to take up the pursuit or to apprehend or capture such persons and are hereby authorized to arrest or capture such persons within this State while in fresh pursuit. Any such person who shall be captured or arrested by the military forces of such other State while in this State shall without unnecessary delay be surrendered to the military or police forces of this State to be dealt with according to law. This section shall not be construed so as to make unlawful any arrest in this State which would otherwise be lawful.

Sec. 7. Federal Service. Nothing in this Act shall be construed as authorizing such forces, or any part thereof to be called, ordered or in any manner drafted, as such into the military service of the United States, but no person shall by reason of his enlistment or commission in any such forces be exempted from military service under any law of the United States.

Sec. 8. Civil Groups. No civil organization, society, club, post, order, fraternity, association, brotherhood, body, union, league or other combination of persons or civil group shall be enlisted in such forces as an organization or unit.

Sec. 9. Disqualifications. No person shall be commissioned or enlisted in such forces who is not a citizen of the United States or who has been expelled or dishonorably discharged from any military or naval organization of this State, or of another State, or of the United States.

Sec. 10. Oath of Officers. The oath to be taken by officers commissioned in the Texas Defense Guard shall be substantially in the form prescribed for officers of the National Guard, substituting the words "Texas Defense Guard" where necessary.

Sec. 11. Enlisted Men. Persons shall be enlisted for three years, or until all troops of the Texas National Guard shall have been relieved from active Federal Service, whichever period is less. The oath

to be taken upon enlistment in the Texas Defense Guard shall be substantially in the form prescribed for enlisted men of the National Guard, substituting the words "Texas Defense Guard" where necessary.

Sec. 12. Articles of War; Freedom from Arrest; Jury Duty.

(a) Whenever such forces or any part thereof shall be ordered out for active service the Articles of War of the United States applicable to members of the National Guard of this State in relation to courts martial, their jurisdiction and the limits of punishment and the rules and regulations prescribed thereunder shall be in full force and effect with respect to the Texas Defense Guard.

(b) No officer or enlisted man of the Texas Defense Guard shall be arrested on any warrant, except for treason or felony, while going to, remaining at, or returning from a place where he is ordered to attend for military duty. Every officer and enlisted man of such forces shall, during his service therein, be exempt from service upon any posse comitatus and from jury duty.

Sec. 13. Severability. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.

Sec. 14. Repeal. All acts and parts of acts inconsistent with the provisions of this Act are hereby repealed.

Sec. 15. Short Title. This Act may be cited as the Texas Defense Guard Act 1941.

Sec. 16. Time of Taking Effect. The fact that the regularly constituted National Guard of the State of Texas is now in active Federal Service by Presidential Order, and the State is without adequate organized troops that may be used for the prevention of civil disturbances, riots, sabotage, and other forms of disturbances; and further that the National Defense Act has been amended by Congress authorizing the creation of Defense Guards in the various States, and the Secretary

of War is issuing necessary regulations pertaining thereto, and the further fact that without this Act, the State of Texas is unable to secure arms, equipment and other items of Government property for Defense Guard without the passage of this enabling legislation, creates an emergency and an imperative public necessity which requires that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from, and after its passage; and said rule is hereby suspended, and it is so enacted.

#### EXTENDING CONGRATULATIONS OF THE LEGISLATURE TO HON. SAM RAYBURN

Mr. Sharpe moved that the necessary rules be suspended for the purpose of considering at this time H. C. R. No. 17.

The motion prevailed.

Mr. Moore offered the following resolution:

H. C. R. No. 17, Extending Congratulations to the Honorable Sam Rayburn, Speaker of the National House of Representatives.

Whereas, It is common knowledge that Hon. Sam Rayburn, Fourth Congressional District of Texas, has been elevated to the exalted position of Speaker of the National House of Representatives, is a great Texan and a great American statesman experienced in the affairs of government in so many ways that are surpassed by none; and

Whereas, He was reared on a farm in Fannin County and confronted with so many obstacles, disadvantages, lack of opportunities, as are usually experienced by the average rural boy and in spite of these obstacles, educated and prepared himself for the great problems of life, having received his B. A. Degree from East Texas State Teachers College at Commerce and studied law in the University of Texas, and showed his statesmanlike ability early in life by placing himself in the political world; and

Whereas, He was given the honor by the citizenship of Fannin County to serve his district and his State

for three successive terms in the years 1907-1912, inclusive, in the Texas Legislature, a position which he filled so admirably that his fellow Representatives gave to him the honor of serving as Speaker of the House of Representatives of the Thirty-second Legislature of Texas; and

Whereas, In the year 1912 Sam Rayburn was honored by being elected Congressman of the Fourth Congressional District and has retained that honorable position for twenty-eight years, serving well, efficiently, and constantly rising to statesman-like heights, becoming Democratic Majority Leader, bringing great credit and honor to our beloved State of Texas; and

Whereas, Only recently he has been reelected Speaker of the National House of Representatives, bringing even greater honor and credit and with growing prospects of being advanced still further in the governmental activities; and

Whereas, It is fitting and proper to proudly acclaim our great Texans;

Therefore, be it resolved by the House of Representatives, the Senate concurring, That praise and compliments be extended to the Hon. Sam Rayburn, and that good wishes be extended to him for a continuance of his endeavors to carry on and that we individually, and as a governmental body, hereby pledge to him our cooperation for better government throughout the coming years, and that the Chief Clerk forward a copy of this resolution to the Hon. Sam. Rayburn and also forward a copy to each member of the Texas delegation serving in the National House of Representatives, Washington, D. C.

MOORE,  
CONNELLY,  
MORRIS,  
SHARPE.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya,

Chambers, Clark, Cleveland, Coker, Mrs. Colson, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Evans, Ellis, Eubank, Favors, Ferguson, Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McNamara, McMurry, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Morgan, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Ridgeway, Roark, Roberts, Rhodes, Sallas, Senterfitt, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Watner, Weatherford, White, Whitesides, Winfree.

On the motion of Mr. Evans the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted.

#### MESSAGE FROM THE SENATE

Austin, Texas, January 22, 1941.

Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House the Senate has passed

S. B. No. 41, A bill to be entitled, "An Act amending Section 2a of Senate Bill No. 297 passed at the Regular Session of the 46th Legislature and known as Chapter 13, Page 282, of the General Laws passed at said Regular Session of the 46th Legislature, relating to assignments of salaries of teachers and school employees, and declaring an emergency."

S. B. No. 39, A bill to be entitled, "An Act amending Section 5 of Senate Bill No. 175 passed at the Regular Session of the 46th Legislature and known as Chapter 15, Page 285, of the General Laws passed at said Regular Session of the 46th Legislature so that Section 5 of said Senate Bill No. 175 shall hereafter read as follows: 'No bonds authorized to be issued or executed under this Act shall be issued or executed after the expiration of four (4) years after the effective date of this Act,' and declaring an emergency."

Respectfully,

BOB BARKER,  
Secretary of the Senate.

#### RESOLUTIONS SIGNED BY THE SPEAKER

The Speaker signed in the presence of the House after giving due notice thereof and their captions had been read severally the following enrolled resolutions:

S. C. R. No. 2, In Memory of Hon. George Edward Robinson, Sr.

H. C. R. No. 12, Inviting the Hon. T. V. Smith to address the Legislature.

H. C. R. No. 13, In Memory of Hon. Walter C. Woodward.

#### ADJOURNMENT

On motion of Mr. Taylor the House at 2:45 o'clock p. m. adjourned until 10:00 o'clock a. m. tomorrow.

#### APPENDIX

#### REPORT OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, January 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 16, Expressing Appreciation to Dr. David Graham Hall of Dallas, Texas, for his generous gift for the promotion of the general health and welfare of all residents of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, January 21, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. C. R. No. 15, Recalling H. C. R. No. 11 from the Senate for further consideration.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

#### EIGHTH DAY

(Thursday, January 23, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

|              |                  |
|--------------|------------------|
| Mr. Speaker  | Crossley         |
| Allen        | Crothwait        |
| Allison      | Deen             |
| Anderson     | Dickson of Bexar |
| Avant        | Dickson of Nolan |
| Bailey       | Donald           |
| Baker        | Duckett          |
| Bean         | Dwyer            |
| Bell         | Ellis            |
| Benton       | Eubank           |
| Blankenship  | Evans            |
| Boone        | Favors           |
| Brawner      | Ferguson         |
| Bray         | Files            |
| Bridgers     | Fitzgerald       |
| Brown        | Fuchs            |
| Bruhl        | Gandy            |
| Bullock      | Gilmer           |
| Bundy        | Goodman          |
| Burkett      | Halsey           |
| Burnaman     | Hanna            |
| Carlton      | Hardeman         |
| Carrington   | Hargis           |
| Cato         | Harris of Dallas |
| Celaya       | Harris of Hill   |
| Chambers     | Hartzog          |
| Clark        | Hefin            |
| Cleveland    | Helpinstill      |
| Coker        | Henderson        |
| Colson, Mrs. | Hileman          |
| Connelly     | Hobbs            |